



**Winston Hickox**  
Secretary for  
Environmental  
Protection



**Gray Davis**  
Governor

MINUTES OF  
REGULAR MEETING  
Friday, September 12, 2003  
**REGIONAL WATER QUALITY CONTROL BOARD**

**Friday, September 12, 2003, 8:30 a.m.**

Chairman Bruce Daniels called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:30 a.m. on September 12, 2003, in the Salinas City Council Chamber Rotunda, 200 Lincoln Avenue, Salinas, California.

**1. Roll Call**.....Executive Assistant Carol Hewitt

**Board Members Present:**

Chairman Bruce Daniels  
Vice Chair Jeffrey Young  
Leslie Bowker  
John Hayashi  
Russell Jeffries  
Daniel Press  
Gary Shallcross

**Absent:**

Marco Rizzo  
Donald Villeneuve

**2. Introductions**.....Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs announced that Mr. Gary Carlton, State Board Liaison, is unable to attend the meeting today. Mr. Briggs noted the following items for Supplemental Sheets and Question and Answer document: Items 8, 9, 10, 14, 18,

20, and 22. The Discharger has waived a hearing and paid a penalty for Item 17. A stipulated order will be discussed for Item 18. Item 19 is deferred to October. Item 20 is deferred to October, no hearing will be held today. The Discharger has waived a hearing and paid a penalty for Item 21.

**3. Approval of Minutes for July 10-11, 2003 Meeting**.....Board Motion

**MOTION:** Russell Jeffries moved to approve the July 10-11, 2003 minutes. **SECONDED** by Leslie Bowker.  
**CARRIED – Unanimously (7-0)** Note: Jeffrey Young was present on July 10, 2003 only and abstained from approval of the July 11th portion of the minutes.

**4. Water Quality Awards [Michael Higgins 805/542-4649]**.....Board Acknowledgement

Chair Daniels presented awards to three individuals and their respective organizations for exemplary water quality efforts. Kris O'Connor/Executive Director/Central Coast Vineyard Team, Gail

Youngblood/Former Fort Ord Superfund Project Manager, and Rosemary Camay/Santa Clara Valley Water District accepted an award for Stan Williams/Chief Executive Officer/SCVWD.

**5. Report by State Water Resources Control Board Liaison.....** Status Report

No report.

**6. Public Forum .....** Board Direction

The following individuals spoke:

- Lori Fallon-Hobbs – raised concerns about the Delaveaga Golf Course project in Santa Cruz County. She suggested a full environmental impact review be done at the site. Concerns about a toxic pesticide that was used in the past and drainage problems were expressed. The Board requested that this issue be addressed in the Executive Officer's Report at the next meeting.
- Herb Decker – resident of Corralitos raised concerns about the cost of creek monitoring and asked the Board to reconsider its timber action.

**7. Uncontested Items Calendar.....**Board Motion

Executive Officer Briggs noted that Item Nos. 12, 13, and 22 are proposed for the consent calendar. Approval of the consent calendar is recommended.

**MOTION:** Leslie Bowker moved to approve the proposed consent calendar. **SECONDED** by Russell Jeffries. **CARRIED – Unanimously (7-0)**

**8. Low Threat and General Discharge Cases .....**Information/Discussion/Board Approval

Executive Officer Briggs reported on several low threat and general discharge cases. David Allard/Resident, spoke about the White Oaks Plaza development in Monterey County. He believes the proposed septic tank system will adversely affect the large oak trees on the property. Regional Board staff member, Matt

Thompson, inspected the site and concluded that the project's proposed septic tank system would not pose a threat to the mature oaks or other structures in the area. Laura Lawrence/Monterey County Health Department, noted that the County has approved the White Oaks Plaza project as designed.

**9. Perchlorate Cases .....**Status Reports

Senior Engineer Harvey Packard introduced the item by reviewing a timeline of significant dates in the assessment and cleanup of the Olin facility. Mr. Packard also reviewed a map of the most recent groundwater sampling. Mr. Packard also discussed Olin's proposal to clean up soil and groundwater at Olin's site using a system to leach perchlorate into groundwater, extract and clean groundwater, and reinject the cleaned groundwater.

Rosemary Kamei, Santa Clara Valley Water District Board Member, conveyed the district's concerns with perchlorate and groundwater. She also expressed appreciation for Regional Board staff efforts so far.

Don Gage, Santa Clara County District 1 Supervisor, stated that the county's top concerns are public health and the economic impacts of perchlorate, especially to

the agricultural community. Supervisor Gage said that ag impacts are still unknown and standards and testing are still needed.

Dennis Kennedy, Mayor of Morgan Hill, stated that Morgan Hill has already been negatively impacted by Olin's negligence. He said Olin has not yet completely paid for the impacts.

Tom Springer, Mayor of Gilroy, said that Gilroy is concerned more with groundwater cleanup south of the site than with cleanup of the site. Gilroy wants cleanup to get started immediately.

Jeff Young asked Mayor Springer if he meant that the Board should order Olin to start cleanup in Gilroy and San Martin now. Mayor Springer said yes.

Walt Wadlow of the Santa Clara Valley Water District presented some powerpoint slides. He discussed the perchlorate working group and said the District is concerned that the contamination has not been defined yet. He said the District is committed to helping the Board with staffing. Mr. Wadlow stated that the agencies must cooperate to hold Olin liable to stringent standards and schedules, participate in community outreach, and leverage available resources.

Jeff Young asked if the contamination had been characterized vertically. Chair Daniels suggested a string of monitoring wells down the length of the contamination.

Mr. Wadlow suggested that more data sharing is needed urgently.

Ed Tewes, Morgan Hill city manager, also had a powerpoint presentation. He stated that Morgan Hill has been significantly impacted with substantial costs. Four Morgan Hill wells have tested positive for perchlorate, which as affected the city's ability to provide water. One perchlorate removal system is already operational at the Nordstrom Park well; the system at the Tennant Well will be working within weeks. Morgan Hill requests the Regional Board require more cooperation with Olin, fully characterize the contamination, and immediately implement on-site and off-site cleanup.

Jeff Young asked about Olin's position on replacement water. Mr. Tewes said that Olin claims no responsibility for perchlorate contamination northeast of the site. Mr. Shallcross pointed out that the Regional Board cannot require payment of Morgan Hill's costs. Jennifer Soloway said that the water code does not allow the regional board to specify the method of compliance with

orders. Helene Leichter, city attorney, said she thought the Board could do so for emergency cleanup. Ms. Leichter agreed to provide the city's legal analysis to Ms. Soloway.

Mr. Jeffries expressed shock that Olin was not at the meeting and encouraged the Board and staff to find ways to speed things up. Mr. Briggs pointed out that for a site of the size and complexity of Olin's, things were moving fairly rapidly. Mr. Jeffries said that he doesn't see groundwater containment working. Chair Daniels said the interim cleanup systems are needed.

Jay Baksa, Gilroy city manager, said that Gilroy is trying to prevent impacts to its wells. He asked the Board to require a contingency plan from Olin in case Gilroy has to shut a well down.

Chair Daniels asked if monthly monitoring might be more feasible than quarterly.

Rosemary Kamei summarized the district and cities' positions and asked for Regional Board support to get solutions in place.

Sylvia Hamilton, Perchlorate Community Advisory Group Chair, presented some information from the group. She said the Regional Board needs to work on reviewing Olin's soil cleanup proposal, a barrier to prevent southward migration of perchlorate, better assessment on the west side of the valley, a health risk assessment, certification of point-of-use cleanup systems, and a timeline and strategy for cleanup.

Daniel Press wondered about the capability of the ion exchange industry to provide enough systems to cover the need. Mr. Hayashi suggested using existing wells to define the extent of the contamination.

*(Chair Daniels announced a break at 10:50 a.m. The meeting reconvened at 11:05 a.m.)*

#### 10. MTBE Cases.....Status Reports

This is a written report.

#### 11. Corrective Action Plan Approvals .....Status Reports

This is a written report.

**14. Framework for Timber Harvest Regulation [Bill Arkfeld 805/542-4627]..... Board Action**

This Item was in response to the Board's request to bring together timber issues, comments, and strategies discussed at previous board meeting this calendar year.

Public comments were opened before the lunch break to allow speakers who needed to leave early an opportunity to speak. Staff's presentation followed the lunch break.

*(Chair Daniels announced the closed session meeting and a lunch break at 12:20 p.m. The meeting reconvened at 2:05 p.m.)*

Staff presented

- A summary of timber issues discussed at past board meetings,
- the Board's current resources available for timber harvest regulation,
- the pros/cons of waivers, waste discharge requirements (WDRs), and general wdrs
- the "Decision Tree" (i.e., how to decide whether to issue a waiver, a waste discharge requirement, or not regulate the timber harvest plan (THP),
- the Timber Harvest Information Package (i.e., the documents needed to start the waiver or WDR approval process)
- the Monitoring Matrix (a method for developing a monitoring program based on risk to water quality)

Dr. Jerry Smith, Associate Professor of Biology at San Jose State University, presented his findings of the various fisheries studies he has performed in the Santa Cruz Mountains. He explained the habitat and life cycle of salmonids. He explained that the likely limiting factors for coho salmon include ocean conditions, sand bar beaching by high winter flows, water temperature, large woody debris, food supply, and pool volume. He advised the Board that monitoring on a watershed scale provides a better understanding of sediment sources and watershed health. Specific monitoring parameters he suggested include temperature, distribution of large woody debris, turbidity, embeddedness and V\* (to assess pool filing).

Extensive written and oral public comments where received. Commentors included many local foresters, environmentalists, landowners, representatives from the California Department of Forestry and Fire Protection, and others.

The primary comments from the timber industry included:

- The Regional Board should not duplicate the CDF's existing oversight of THPs.

- Monitoring should be based on scientific principles.
- Inspections by Regional Board staff are encouraged and important.
- The cost of the Board's requirements, especially on small landowners, can be significant and should be considered as an important decision factor.
- Watershed level monitoring is needed to assess all pollutant sources in the watershed and not just timber harvesting.

The primary comments of the environmentalists included:

- General WDRs should be issued to better regulate timber harvesting and to save staff resources.
- Enforceable standards are needed to properly regulate timber harvesting.
- Watershed level monitoring is needed.
- More rigorous monitoring of individual THPs is needed to assess compliance.
- The "Monitoring Matrix" is vague.
- Regional board staff needs more resources.

Jim Pedri, Assistant Executive Officer of the Central Valley's Redding Office, presented his perspective of the timber harvest issues in California. He explained that in his region's staffing levels allow for review of only 30% of the THPs. He also explained that clear cutting and winter operations are allowed in his region, unlike the Central Coast Region. He emphasized that inspections are an important compliance assessment issue. He encouraged participation on the "Statewide Monitoring Study Group."

The Board Members provided the following feedback and comments:

- The monitoring Matrix is vague.
- Monitoring plans should be site specific and consider cost.
- Other sources of sediment and pollutants need to be assessed.
- Wants to see details of MOU between the Board and CDF.
- The Board's requirements must be connected to beneficial uses of water.
- Concerned about limited staff resources.
- Individual Waivers are preferred, but not opposed to WDRs.
- Concerned about CDF properly handling their responsibilities with regard to water quality protection.
- Standardized photo monitoring is needed.
- Supports individual waivers to enable more fieldwork.

- Supports continued use of the "Bar" monitoring concept.
- Watershed level monitoring is needed.
- Staff should participate on the Statewide Monitoring Study Group.
- Important to evaluate the process for oversight of timber harvest plans.

Roger Briggs and Chris Adair concluded the Item with the following recommendations:

- The Timber Framework is a work in progress.

- Staff will increase field presence and emphasize photo documentation.
- The Monitoring Matrix will be further developed as THPs are reviewed and implemented.
- Water quality monitoring of timber harvest plans will be assessed for effectiveness.
- Staff will reflect today's Board feedback in the evolving timber framework. The Board will see how this is working as individual waivers are brought to the Board (expected to begin at the March 2004 Board meeting).

*(Board member Press left the meeting at 4:10 p.m.)*

**18. Santa Cruz County Administrative Civil Liability [Todd Stanley 805/542-4769] .....Order No. 2003-0099**

The Regional Board staff supplemental sheet for this item reported its support of the County's proposed supplemental environmental project, in which the proposed civil liability assessment of \$18,000 (minus staff costs) would be paid to the Santa Cruz County Fish and Game Advisory Commission (Commission) for repair and/or improvement of fish habitat in Soquel Creek.

Senior Water Resources Control Engineer, Chris Adair, received new information from Santa Cruz County Counsel, Pamela Fyfe, and Senior County Engineer, Rachel Lather, on the morning of the meeting. County staff indicated that the contractors involved with the overflow, Monterey Peninsula Engineering and Rain for

Rent, had forwarded additional information that brought into question the reported volume estimate of 9,000 gallons. The County's revised estimate of 900 gallons was based on a hydraulic analysis of the spill. Based on the informal testimony of Ms. Lather, Mr. Adair and Water Resources Control Engineer, Todd Stanley, agreed to revise the recommended civil liability from \$18,000 to \$10,000.

Assistant Executive Officer Brad Hagemann revised the proposed ACL Order's language to reflect staff's modified recommendation, and addressed those changes to the Regional Board.

**MOTION: Gary Shallcross moved to approve the staff recommendation for Order No. 2003-0099. The County of Santa Cruz will pay \$5,950 to the Santa Cruz County Fish and Game Advisory Commission, and \$4,050 for staff costs to the State Water Resources Control Board Cleanup and Abatement Fund. SECONDED by Leslie Bowker. CARRIED – Unanimously (6-0)**

**16. Mr. William Evert, 398 Lighthouse Ave., Monterey County.....Order No. 2002-0013**  
[Wei Liu 805/542-4648]

Michael LeBrun, Regional Board Senior Engineer, summarized the case as follows: The Discharger is required to submit quarterly monitoring reports per an Executive Officer 13267 directive. For the first quarter 2002, the Discharger failed to perform groundwater monitoring and thus did not submit the required report. Staff recommends assessment of civil liabilities in the amount of \$1,500.00.

The Discharger's consultant, Clearwater Group Inc., entered a letter into the record as their official position on the subject. Clearwater's letter was read into the record by Brad Hagemann of Regional Board staff. In their letter, Clearwater took responsibility for the missed monitoring event and non-reporting, pointed out extenuating circumstances, and requested the penalty be reduced or eliminated.

**MOTION:** Gary Shallcross moved to approve the staff recommendation for Administrative Civil Liability Order No. 2002-0013 in the amount of \$1,500. **SECONDED** by John Hayashi. **CARRIED** – Unanimously (6-0)

*(Item No. 14 was continued after Item No. 16)*

*(Board member Jeffries left the meeting at 5:55 p.m.)*

*(Board members Hayashi and Young left the meeting at 6:20 p.m.)*

**15. Enforcement Report** ..... Status Report

This is a written report.

**23. TMDL Program Status, Case Studies** [Lisa McCann 805/549-3132] ..... Status Report

A written report was submitted. No questions or comments on this item.

**24. City of Hollister, ACL and CDO Compliance Update** [Matthew Keeling 805/549-3685] ..... Status Report

Mr. Clint Quilter, City of Hollister, noted that he appreciated the staff report and stated that the City is trying to build credibility with the Board. The City Council and the City Manager are providing the staff

with everything they need in order to move ahead. The Board extended its appreciation for the good work the City of Hollister has accomplished.

**25. Reports by Regional Board Members** ..... Status Report

No reports or comments on this item.

**26. Executive Officer's Report** ..... Information/Discussion

Randall Long, RCL Ecology, submitted a letter to the record addressing the Institute Golf Course in Morgan Hill. The Board suggested the letter be sent to them in the next Board mailing.

Christopher Sproul, Ecological Rights Foundation, spoke to the Board about the federal court lawsuit filed against the City of Pacific Grove for their sewage spills. He commended the Board for sending an information request letter to the City. The City responded on July 30, 2003. He believes the response is incomplete. The City has yet to respond to several specific items in the Board's letter. The items are as follows: an update on the capital improvement program, a detailed assessment of the sewer lines and results of the examination (including mapping), and written criteria developed for replacing its

lines. Mr. Sproul encouraged the Board to urge the City of Pacific Grove to provide the information soon and if the information is not forthcoming soon, he urged that the Board take more formal action. The continuing sewage spills and closing of public beaches is a serious health threat. Mr. Sproul suggested the Board coordinate with the Ecological Rights Foundation if it intends to pursue more formal action on this issue. Mr. Briggs noted that the Board is also following up with the City of Monterey and the number of sewage spills occurring there.

Mr. Ross Hubbard, City of Pacific Grove, was available to answer questions related to the Executive Officer's Report. Mr. Hubbard had no comment on the commentary of Mr. Sproul due to the current litigation.

Chair Daniels adjourned the public meeting at 6:25 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its October 24, 2003 meeting in Santa Barbara, California.

A handwritten signature in cursive script, appearing to read "Bruce Daniels", is written above a horizontal line.

Bruce Daniels, Chair

H/ALLMYDOCS/BOARD MINUTES/SEP03mins/carol